

FACT SHEET



PROPOSED SUNNYVALE CHARTER AMENDMENTS

Sunnyvale registered voters will have an opportunity to decide on three proposed changes to the City's charter. The proposed charter amendments will appear on the November 8 ballot. The amendments deal with term limits for all boards and commissions, the residency requirement for the city manager, and a revision to the City's Heritage Preservation Commission. Charter amendments may be approved by a simple majority vote.

What is a Charter?

The League of California Cities explains the concept of a charter city this way: A city charter is a unique document that, in many ways, acts like a constitution for the city adopting it. It can only be adopted, amended or repealed by a majority vote of a city's voters. One advantage of a charter is that it allows a city to tailor its organization and elective offices, taking into account the unique local conditions and needs of the community.

Another advantage to a charter is that it transfers the power to adopt legislation affecting municipal affairs from the state legislature to the city adopting it. A city operating under a charter can acquire full control over its municipal affairs. These affairs are unaffected by the general laws passed by the state legislature on the same subject matters. This, in effect, gives the local voters more control over their local government and the affairs of the city. However, a city operating under a charter is still subject to the general laws, as passed by the state legislature, on affairs that are not municipal in nature, and are of statewide concern (e.g., California Vehicle Code).

PROPOSED CHARTER AMENDMENT ON BOARD AND COMMISSION TERM LIMITS

Existing Policy

The Charter currently differentiates between the length of time that can be served by members of the Planning Commission, Personnel Board and Board of Building Appeals, versus members of all other City boards and commissions. Members of these first three boards and commissions may serve two consecutive four-year terms, but the Charter limits members of all other boards and commissions to a single four-year term. If a member is appointed to an unexpired term with less than two years remaining, that member can be reappointed to two full terms in the case of the Planning Commission, Personnel Board and Board of Building Appeals, and one full term for all other boards and commissions.

The Proposed Amendment

If approved by voters, the City's Charter would be amended to retain a four-year term length for all City boards and commissions and to standardize the term limit of two consecutive terms for all boards and commissions. The Charter would retain the allowance of serving an additional unexpired term of less than two years.

The amendment would also eliminate the current two-year waiting period before a board or commission member may apply for a different board or commission after expiration of his or her term on the first board or commission.

PROPOSED CHARTER AMENDMENT ELIMINATING RESIDENCY REQUIREMENT FOR CITY MANAGER

Existing Policy

Sunnyvale's City Charter currently requires the city manager to live within the City limits. This requirement, however, is prohibited by the state constitution and therefore is unenforceable.

The Proposed Amendment

The Charter would be amended to make it consistent with state law regarding residency requirements. It should be noted, however, that while state law prohibits the residency requirement, there is no bar to the City negotiating a residency requirement as part of an employment contract with a city manager.

PROPOSED CHARTER AMENDMENT REVISING THE HERITAGE PRESERVATION COMMISSION SECTION

Existing Policy

The City Charter currently provides that the Heritage Preservation Commission may advise the City Council on "heritage resources, landmark sites and landmark districts." It also allows Council to authorize the commission to take action with regard to "landmark sites and landmark districts," It does not specifically authorize the commission to take action on heritage resources.

The Proposed Amendment

Charter language would be amended to make the commission's advisory and active roles parallel. The commission would have power to "act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts" and "exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance."

This change would give the commission the ability to regulate heritage resources as it currently does with landmark sites and landmark districts.

Fiscal Impacts

The City will incur the costs of the November 8 election. The incremental cost of including these three Charter amendments on the ballot is minimal. The measures themselves, if passed, would have no direct fiscal impact. City costs related to recruitment and training of board and commission members might be reduced if members could serve more than one term.